

## ISSUES MATRIX

### 2004 Critical Areas Ordinance Update

Issue	Discussion Notes	<u>Status</u>
<p><b>General Issues:</b></p> <p>1. Logistics/Process (all)</p>	<p><u>PC Preliminary Direction</u> Need to determine the process for the Update. The Commission could do the policies then the regulations, or, do both at the same time. The process should be thoughtful and streamlined.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends discussing the Update by topic, reviewing the policies and regulations at the same time.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Planning Commission concurs with staff recommendation.</p>	CLOSED
<p>2. "Non-CAO" Policies</p>	<p><u>PC Preliminary Direction</u> There are some "non-CAO" (stewardship, trees, noise and light pollution) policies in the Conservation and Natural Environment Policies of the Comp. Plan. The PC needs to evaluate whether it is appropriate to update these policies as well.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends updating these policies to address the broader context of the Comprehensive Plan Update.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Planning Commission concurs with staff recommendation.</p>	CLOSED
<p>3. Implications of Not Meeting State Deadline (Charlie)</p>	<p><u>PC Preliminary Direction</u> The PC would like to understand whether any sanctions would be imposed upon the City if the Update is not completed per the state-mandated deadline of Dec. 2004.</p> <p><u>Staff Recommendation &amp; Reasoning</u> If the City doesn't get the Update adopted per state deadline they could apply sanctions, but they tend to be quite gentle if a jurisdiction is making progress. It would be difficult if we don't have updated rules in place because we may not be able to defend the BAS requirement therefore requiring environmental analysis under SEPA.</p> <p><u>Public Comments</u></p>	CLOSED



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	<p><u>PC Discussion</u> The Planning Commission will move forward and attempt to make a recommendation to the City Council by the end of this year.</p>	
4. Relationship to Other Components of the Comp. Plan Update (Charlie)	<p><u>PC Preliminary Direction</u> It would be helpful to understand the relationship between other components of the Comp. Plan the PC is currently working on or has recently approved (i.e. impact on housing due to increased buffers).</p> <p><u>Staff Recommendation &amp; Reasoning</u> It would be best to address this issue in the Introduction Element of the Comprehensive Plan.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u></p>	CLOSED
5. Code Enforcement (Korby)	<p><u>PC Preliminary Direction</u> Code enforcement, on a non-complaint basis, for environmental issues should be discussed.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The City has two code enforcement officers. Code enforcement is addressed on a complaint basis.</p> <p><u>Public Comments</u> Violations and penalties language in RCDG 20F.10.20-020, <i>Violations an Penalties</i>, should be clearly referenced and clarified in 20D.140.10. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Planning Commission would like to update the violations/penalties section to the Development Guide.</p>	CLOSED
6. Reasonable Use Provision (Suzanne, Marty)	<p><u>PC Preliminary Direction</u> The Commission briefly discussed the Tri-County Reasonable Use Provision during the SMP Update. It was agreed to review this as part of the CAO Update. Additionally, the Commissioners questions the way the Reasonable Use Provision is written, referring to “denying all reasonable economic use.”</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff has proposed modifications to the Reasonable Use Provision. The proposed language, which can be found under Section 20D.140.10-190 (p.16-18) of the proposed regulations, incorporates language from the Tri-County model and addresses the BAS requirement. On the question of denying all reasonable economic use, the City Attorney has advised that the</p>	CLOSED



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	<p>takings clause has been interpreted to deny all reasonable economic use. This is constitutionally based language. If any reasonable economic use then it is not a takings.</p> <p><u>Public Comments</u> It is unclear at what point a property would qualify for reasonable use since there is no defined minimum area of disturbance. (Terry Lavender, 11/10/04 testimony)</p> <p>The criteria for review and approval of the reasonable use process is clearly stated and easily understood. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission discussed the reasonable use provision and was in concurrence with the proposal. Minor edits to be made off-line. The Commission agreed by a vote of 3-2 to remove the following current language, "The purchase price of the property shall not be construed to be an applicant's action." The Commission agreed the intent is that the purchase price of a property is irrelevant when considering reasonable use.</p>	
7. Setbacks from Critical Areas Buffers (Marty)	<p><u>PC Preliminary Direction</u> Need to define the purpose of the setbacks. Are they really needed?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff is recommending building setbacks from critical areas buffers. Structures are often sited at, or near, the buffer and this becomes somewhat problematic, for instance, when attempting to establish a useable yard area. Additionally, this allows for structure maintenance activities that might otherwise impact a buffer if the structure were situated too close to the buffer. This latter situation has occurred in the City with respect to non-residential development. A minimal setback would prevent these "problems" from occurring.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission discussed whether or not setbacks from buffers are necessary. Some believe the buffers are adequate enough and there is no compelling public need to require additional setbacks. Others through setbacks would be appropriate. The majority of the Commissions (4-3) voted against setbacks.</p>	CLOSED
8. Tracts versus Easements	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Critical areas easements often give a false impression to property owners that they can use this area as they wish. Even though this information is clearly depicted in the</p>	CLOSED



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	<p>title, it can be overlooked. Requiring critical areas be placed in a tract clearly defines that the area does not belong to any one particular lot. This would eliminate the confusion of having critical area easements on lots and giving the false impression that a building lot appears bigger, subsequently more useable, than it actually is.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u></p>	
9. Maps (all)	<p><u>PC Preliminary Direction</u> The Commission discussed the intent of the environmental maps, whether they are to be used for illustrative purposes or as a regulatory tool. Some Commissioners wondered if the maps create a presumption. The Commission agreed there should be a policy addressing map usage.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The purpose of these maps has been and will continue to be for illustrative purposes and as a resource tool of the relative locations of environmental resources within the City. To clarify this, the following policy is recommended:</p> <p style="padding-left: 40px;">“Utilize environmental maps as a general guide only for illustrative purposes. Determine actual critical area locations through special studies during the development review process.”</p> <p><u>Public Comments</u> Livable Communities Coalition encourages mapping and an inventory of all known City critical areas, given the state mandate to first designate then protect. (John Mauro, 11/10/04 testimony)</p> <p>The wetland map referenced in the proposal should be derived from an actual inventory taken within the City. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission spent time discussing each map. This included the criteria or basis for the map, critical area classification on the map, whether buffers are mapped, and if the map is intended to be used as a general guideline or designation/regulatory tool. All maps are general guidelines with the exception of the wellhead protection map. The Seismic Hazard map could possibly be eliminated. According to USGS, this region is in the D2 Seismic Zone. The IBC required geotechnical studies for all multi-family, commercial, and steep slop sites. Plans examiners have the discretion to require geotechnical studies for single family residential dwellings.</p>	CLOSED
10. Planning Context (Charlie)	<u>PC Preliminary Direction</u> The “Planning Context” to this Element has	CLOSED



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	<p>been deleted. Some mention of the Growth Management Act (GMA) should be made to provide a context within which to read the policies, allowing the reader to acknowledge the many goals of the GMA.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The "Planning Context" section was requested to be eliminated to be consistent with the Comprehensive Plan Update format. See Issue #4 above.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> See Issue #4 above.</p>	
11. Term Designations (Korby)	<p><u>PC Preliminary Direction</u> Figure out a way to let the reader know which terms are defined elsewhere in the environmental update.</p> <p><u>Staff Recommendation &amp; Reasoning</u></p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> Administrative style issue should be addressed as part of the Comprehensive Plan document update.</p>	CLOSED
12. Enhancement (Marty)	<p><u>PC Preliminary Direction</u> Should enhancement of critical areas be one of the goals of the policy and regulation update?</p> <p><u>Staff Recommendation &amp; Reasoning</u> This could be addressed in the bulleted list in the Introduction section of the Natural Environment Element.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission is not satisfied with maintaining the status quo. The goal should be to improve the environment.</p>	CLOSED
13. Nomenclature (Kate)	<p><u>PC Preliminary Direction</u> There are some inconsistencies with nomenclature. Commission Dunn wants to ensure the appropriate terms are used and will attempt to address this issue.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff, too, wants to ensure appropriate nomenclature is being used.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> Staff to ensure term consistency.</p>	CLOSED
14. Buffer Definition (all)	<p><u>PC Preliminary Direction</u> The definition of buffer needs to be clarified and may differ depending upon the critical area it is protecting.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff has recommended a revised</p>	CLOSED



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	<p>definition to address the purpose of the buffer as well as its composition.</p> <p><u>Public Comments</u> The term “buffer” needs to be clearly defined. In some instances, it is used interchangeably with the critical area. This needs to be clarified. (Terry Lavender, 11/14/04 testimony)</p> <p><u>PC Discussion</u> The Commission agreed there needs to be two separate defined terms, one for “natural” buffers and the other for landslide hazard area buffers. Natural buffers are applicable to all critical areas requiring buffers with the exception of landslide hazard area buffers. LHA buffers serve a slightly different function is that they are intended to protect life and property from a dangerous situation.</p>	
15. Exemptions (all)	<p><u>PC Preliminary Direction</u> There needs to be a general discussion of the exemptions.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff has not modified the proposed exemption from those currently used. The trail exemption could be modified per DOE's comments.</p> <p><u>Public Comments</u> Exemptions are a significant area where loss of critical area function is traded for something considered to be of a high value. In particular, trails are a laudable goal but using riparian corridors as a trail locating mechanism often defeats or compromises the reason for protecting the riparian area in the first place. Trails, as an exemption, should be reevaluated. (Terry Lavender, 11/10/04 testimony)</p> <p>Exemption of trails should be reconsidered. Since public trails can be rather large, the City should either add more specific criteria to the trail exemption or delete trails from the listed exemptions, at least for wetland and their buffers. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission reviewed the proposed exemption to the Critical Areas Ordinance. They discussed whether or not trails are an appropriate exemption. After much discussion and review of the DOE's suggested trail exemption language, the Commission unanimously agreed to eliminate the proposed language in exemption (k) and replace it with language that exempts permeable pedestrian trails having a width five feet or less. They encouraged locating these trails in the outer 25% of the buffer. Additionally, exemption (h) should be modified to eliminate the language referring to trails. There was also some discussion of the agriculture exemption and staff will investigate</p>	CLOSED



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	the "farm management plan" requirements developed as part of the WRIA 8 process.	
16. Mitigation Sequencing (all)	<p><u>PC Preliminary Direction</u> The Commission would like a basic overview of mitigation sequencing and how it is applied.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Mitigation sequencing is defined by both the state and federal governments. The intent is to follow this practice. However, additional language as suggested by the Livable Communities Coalition would help further define mitigation sequencing. Staff concurs with their suggestion.</p> <p><u>Public Comments</u> Mitigation sequencing language could be improved, including the addition of monitoring as a step in sequencing. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission directed staff to use the more detailed mitigation sequencing language provided on the 11/16/04 handout in lieu of what is written in the proposed regulations (20D.140.10-080)</p>	CLOSED
17. Tree Retention	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Two new tree policies were added, NE-96 and NE-98. These policies reflect City Council directive from past years and current practice. Policy NE-96 is, "Maintain no net loss of significant trees within the City." Policy NE-98 is, "Design City capital improvement projects to preserve trees to the maximum extent possible."</p> <p><u>Public Comments</u> Consider further referencing RCDG 20D.80.20-070 and including further provisions for tree retention. Not only would improved tree retention language protect critical area functions and values and save taxpayers money for services that nature does for free, it would make Redmond a more livable city. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission concurred with both new policies. They suggested adding the words, "over the long term" to the end of policy NE-86, since this is more reflective of the intent.</p>	CLOSED
18. Impervious Surfaces	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> City development regulations impose impervious surface limits in all zoning districts with the exception of the Downtown. See Item #4 under Frequently Flooded Areas below.</p>	CLOSED



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	<p><u>Public Comments</u> Best available science has shown that limiting impervious surface can be an effective way to protect streams and critical areas from stormwater runoff and other impacts and help to recharge aquifers. Consider limits on impervious surfaces. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> Include policies on LID.</p>	
19. Precautionary Principle	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff concurs that it would be best to follow a precautionary principle when it comes to critical areas.</p> <p><u>Public Comments</u> It is more efficient and cost-effective to prevent environmental damage than to repair it later, and a low risk strategy, based upon BAS, will provide the best change for protecting critical areas. This is known as the precautionary principle, and it is consistent with WAC 365-195-920, which advises cities that where there is a lack of scientific information, they should take a precautionary or no risk approach. Incorporating this principle will enable the city to effectively protect critical areas now and into the future to ensure no net loss of critical area function and value and protect the livability and quality of life for all Redmond residents. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> A new policy has been added to address the precautionary principle.</p>	CLOSED
<b><u>Fish and Wildlife Habitat Conservation Areas Issues:</u></b>		
1. Approach for Critical Wildlife Habitat Protection (Core Preservation, Species Protection, Quality Habitat Opportunities)	<p><u>PC Preliminary Direction</u> Commissioner Dunn had a broad conceptual disagreement with the approach for Critical Wildlife Habitat Protection. She would like to revisit this issue if others are interested in doing so.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff has proposed the elimination of Critical Wildlife Habitat and recommends using GMA defined Fish and Wildlife Habitat Conservation Areas (See issue #3 below).</p> <p>The original approach was to regulate wildlife in FWHCAs on a species specific basis; those listed species disclosed during the development review process. However, after meeting with Commissioners Dunn and Allen, staff concurs that we should be using a different strategy for FWHCAs, one that is better supported by BAS. This involves two key protection mechanisms/strategies for those areas considered FWHCAs</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>under GMA. One is “Core Preservation” where development is currently prohibited due to other regulatory mechanisms. This includes mapped Native Growth Protection Easements (NGPEs), Class I streams and their buffers (Shorelines of the State) and other watercourses (Classes II-IV, but not their buffers). Additionally, this core area would include wetlands, streams, and their buffers as they become identified and protected at a site specific level. The second protection mechanism/strategy is “Species Protection”. Species Protection includes Species of Concern, Priority Species, and Species of Local Importance. These species are identified during site specific analysis and development is regulated through a series of management recommendations (not necessarily by prohibiting development). Both of these protection mechanisms/strategies involve no new regulations differently from the existing approach.</p> <p>A second tier is proposed for “Quality Habitat Opportunities”. Examples of Quality Habitat Opportunities could include: utility rights-of-way; parkland not in, nor intended to be used as, active recreation; and trees required through the City’s Tree Preservation Ordinance. This is purely an advisory, incentive, and/or non-regulatory approach to take advantage of opportunities for quality habitats that do not formally fall under FWHCA. This secondary tier requires no additional studies or costs to the developer. Information to determine this can be extrapolated during the site planning process and other studies required to be submitted (wildlife study, stream study, wetland study, etc.). Quality Habitat Opportunities can be determined or ranked by using the criteria established in the Adolphson Report.</p> <p>Policies addressing these three protection mechanisms/strategies need to be clear.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission unanimously agreed on the proposed approach. There was a bit of discussion regarding Quality Habitat Areas and how these areas would be identified and their protection encouraged.</p>	
2. Length of CWH Policies	<p><u>PC Preliminary Direction</u> The length of the CWP Policies previously agreed upon may be too lengthy. It could be helpful to review and shorten these policies.</p>	CLOSED



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	<p><u>Staff Recommendation &amp; Reasoning</u> The Update includes those policies that were reviewed and discussed by the City Council, prior to their denying passage of the Critical Wildlife Habitat Plan.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The policies have been shortened and consolidated from the original proposal in the Wildlife Habitat Plan.</p>	
3. FWHCA Classification System	<p><u>PC Preliminary Direction</u> The Commission understands that FWHCAs are being defined consistent with the GMA.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends defining FWHCA per the GMA. We intentionally omitted categories that are not present in the City. (See also Issue #1 above.)</p> <p><u>Public Comments</u> Consider incorporating recommendations of CTED's Handbook, Appendix A, which includes the following FWHCAs not currently identified in the draft proposal: a. State Natural Area Preserves and Natural Resource Conservation Areas and b. Areas of Rare Plant Species and High Quality Ecosystems. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> This has been addressed.</p>	CLOSED
4. Identification and Assessment of Species of Local Importance	<p><u>PC Preliminary Direction</u> There needs to be a process or mechanism for identifying species of local importance.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The GMA includes <i>habitats and species of local importance</i> as one classification of FWHCAs. Staff recommends the Council formally designate habitats and species of local importance.</p> <p>Species of Local Importance would fall under "Species Protection" as identified in Issue #1 above.</p> <p><u>Public Comments</u> The City should consider identifying the Pileated Woodpecker as a Species of Local Importance. (Bob Yoder, 1/19/05 testimony)</p> <p><u>PC Discussion</u> Species of Local Importance is, to some degree, a cultural issue versus a scientific issue. The Commission discussed red-tailed hawk and raptors in general deciding unanimously that they</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>should not be identified as Species of Local Importance. The Commission unanimously agreed the Great Blue Heron should be identified as a Species of Local Importance. They did not support listing the Pileated Woodpecker as a Species of Local Importance (vote 2-4 to list the Pileated Woodpecker). All agreed that the appropriate process for identifying Species of Local Importance is the Development Guide Amendment process. This process requires a recommendation by the Planning Commission and decision by the City Council.</p>	
5. Wildlife Habitat Corridors	<p><u>PC Preliminary Direction</u> What is the best way to address corridors?</p> <p><u>Staff Recommendation &amp; Reasoning</u> <i>Land essential for preserving connections between habitat blocks and open spaces</i> is a category designated as a FWHCA under the GMA. Identification of and minimization of impacts on these wildlife corridors are important to avoid habitat fragmentation.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> There was some discussion on how best to address wildlife corridors and connectivity. Some Commissioners suggested mandating performance standards for corridors, others believe protecting corridors should not be mandated. Commissioner Parnell recommended policy language to address corridors. This was discuss, modified, and agreed upon by the Commission.</p>	CLOSED
6. FWHCA Map	<p><u>PC Preliminary Direction</u> Need to determine whether or not a FWHCA map is appropriate.</p> <p>Based on Issue #1 above, it would be appropriate to map <i>core preservation</i> areas. Site-specific studies may reveal additional information to be mapped at a later date.</p> <p>Maintenance of the map should be discussed.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The GMA requires critical areas be mapped. Staff recommends, at the very least, we have a working map for FWHCA's. The FWHCA map would be a Core Preservation Area Map, showing areas identified in Issue #1 above as "Core Preservation."</p> <p><u>Public Comments</u></p>	CLOSED



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	<u>PC Discussion</u> The Commission concurred that a Core Preservation Map would be appropriate.	
7. Reevaluate Stream Classification System	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff has proposed a new stream classification system which better reflects the characterization of streams in the City. The DNS stream typing system was used as a baseline and customized to Redmond's unique circumstances.</p> <p><u>Public Comments</u> Stream typing should be done in accordance with the Washington State Department of Natural Resources new stream typing/lettering system. It is believe that the DNR system will streamline the process, allow for easier use by the development community, and result in better and more updated protections. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission concurs with the proposed stream classification system. However, Class IV streams may still potentially change since some Commissioners believe that there should be a minimum channel width. After further discussion, the Commission concurred with the Class IV stream classification.</p>	CLOSED
8. Buffer Approach Similar to Shorelines Update	<p><u>PC Preliminary Direction</u> During the SMP, the Commission expressed an interest in implementing a similar stream buffer approach as part of the CAO Update similar to that adopted as part of the SMP Update.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The buffers for Class II streams have an "outer buffer: similar to the Class I (Shorelines of the State) stream buffers approved in the SMP.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Planning Commission agreed with the same buffer approach for Class I and II streams.</p>	CLOSED
9. Reevaluate Stream Buffer Widths	<p><u>PC Preliminary Direction</u> There needs to be some discussion on stream buffers based on the proposed new stream classification system.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff is recommending new stream buffer widths reflective of riparian function based on BAS.</p>	CLOSED



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	<p><u>Public Comments</u> Stream buffers are too narrow to protect the functions and values of riparian areas and should be increased. (John Mauro, 11/10/04 testimony)</p> <p>Livable Communities Coalition supports stream buffer averaging language that requires the area contained within the buffer after averaging equal the area contained within the buffer before averaging. They also support a limit on reduction of no more than 25%. However, reducing a portion of a stream buffer to 25' is not supported by BAS and should be no less than 50'. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission reviewed the proposed stream buffers and concurred with the widths proposed for Class I, II, and III streams. There are some concerns regarding the proposed 50' stream buffer width for Class IV streams, particularly since there is no longer a minimum channel width, as the SAO currently provides. Commissioner Snodgrass recommended a 25' buffer but that did not pass the majority of the Commission (vote 1-4). There was a motion to recommend a 35' buffer but the vote ended in a tie. Commission Dunn suggested having two subcategories of Class IV streams. This could be done by using a minimum channel width or differentiating between Class IV perennial and intermittent streams.</p> <p>The Commission continued their discussion of Class IV stream buffers. A motion to require 36' buffers for Class IV streams and no buffers for Class IV streams less than two feet in width did not pass because it was a tie vote. A motion to require 36' buffers on all Class IV streams also did not pass (vote 2-3 with one abstention). The majority of the Commission agreed upon 25' buffers for Class IV intermittent streams and 36' buffers for Class IV perennial streams (vote 4-1 with one abstention).</p>	
10. Stream Alteration Criteria	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Stream alteration criteria are based on both the OCD model code and the City's existing SAO and current practice.</p> <p><u>Public Comments</u> The proposed language allowing stream relocated needs stronger limitations. Since the relocation a stream is a serious</p>	CLOSED



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	<p>endeavor and may have significant impacts to fish, wildlife, and stream ecology, a more clear set of criteria for allowing relocation should be provided. (John Mauro, 11/10/04 testimony)</p> <p>There should be policy language with a goal statement of no net loss, similar to that proposed for wetlands. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission concurred with the stream alteration standards. It was agreed that a goal of no net loss of riparian corridor functions and valued be added to the Purpose and Intent section.</p>	
11. Riparian Corridor Performance Standards	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff proposed using existing performance standards for stream. It would be appropriate to add some language limiting pesticide use near streams.</p> <p><u>Public Comments</u> Consider limiting the use of pesticides and fertilizers near streams. (John Mauro, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission recommended adding a performance standard limiting the use of pesticides near streams.</p>	CLOSED
<u>Wetlands Issues:</u>		
1. Reevalue Wetland Classification System	<p><u>PC Preliminary Direction</u> Review BAS for wetland classification systems.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends adopting the DOE wetland classification system. This is based upon BAS.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission concurred the City should use the DOE wetland classification system as proposed.</p>	CLOSED
2. Reevalue Buffer Widths	<p><u>PC Preliminary Direction</u> Review BAS recommendations for wetland buffer widths.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends adopting buffers as outlined by DOE in Alternative 3 of Appendix 8C of Wetlands</p>	CLOSED



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	<p>in Washington State, Vol. 2. Its implementation could, however, involve more staff time, require more staff expertise, and have greater cost to the developer.</p> <p><u>Public Comments</u> Livable Communities Coalition concurs with incorporation of the DOE recommended buffers. Low impact land uses should have minimum 35' buffers for Type IV wetlands rather than the 25' proposed. (John Mauro, 11/10/04 testimony)</p> <p>Buffer reductions should be eliminated given the lack of state and scientific support. Buffer averaging is a good flexibility tool. However, buffer averaging language for Type IV wetlands should be clarified. (John Mauro, 11/10/04 testimony)</p> <p>Ecology recommends the City adopt buffer regulations based on Alternative 3 of DOE's Wetlands in Washington State Appendix 8-C. This buffer approach was developed in conjunction with local government staff to assist urban and urbanizing jurisdictions where fixed buffer widths may not match particular site conditions. (DOE, 11/10/04 letter)</p> <p>Proposed provisions for reducing buffer widths presents a risk of inadequate protection of wetland functions. Alternative 3, noted above, would be able to address these circumstances. (DOE, 11/10/04 letter)</p> <p>Locating stormwater ponds in wetland buffers is in appropriate. Ecology recommends that the regulations restrict the placement of stormwater facilities in wetland buffers to allow only outfalls or biofiltration swales, and only within the outer 25% of the buffer around Category III and IV wetlands. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission discussed the merits of DOE's Alternative 3. It provides greater flexibility than Alternative 2 and would likely be more attractive for both the City and developer. DOE has specifically recommended this buffer approach for urbanizing cities. A few of the Commissioners believe Alternative 2 provides greater certainty especially since DOE is still developing information related to Alternative 3. The Commission took a straw poll and agreed by majority vote to recommend Alternative 3 and modifying the proposed buffer reduction language to be consistent with DOE's buffer reduction language.</p>	
3. Minimum Size Wetland to be Regulated	<u>PC Preliminary Direction</u> Need to justify the 2,500 sq. ft. exemption for	CLOSED



Issue	Discussion Notes	<u>Status</u>
(Marty)	<p>Category IV wetlands.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff believes there should be some minimum threshold size of wetland to be regulated based on predictable delineation feasibility and administration. Although the proposal has the current 2,500 sq. ft. threshold, staff recommends 500 sq. ft.</p> <p><u>Public Comments</u> Wetlands smaller than 2,500 sq. ft. provide functions and values. Exempting regulation of these wetlands will result in a net loss of functions and values. There is no scientific justification for exempting these smaller wetlands. (John Mauro, 11/10/04 testimony)</p> <p>Scientific literature does not support the exemption of small wetlands from protection. It is not possible to conclude from size alone what functions and values a particular wetland is providing. Appropriate mitigation for impacts to smaller wetlands should be implemented. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> Under the GMA requirement of no net loss, it would be difficult to exempt smaller wetlands whether or not it is logical. Also, BAS does not support the proposed exemption. The majority of the Commission voted 5-1 to eliminate the minimum wetland size exemption.</p>	
4. Mitigation Replacement Ratios	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends adoption the mitigation replacement ratios identified by DOE in Appendix 8C, Wetlands in Washington State, Vol.2. Staff believes the City's current mitigation ratios have been successful but don't have enough information at the present to quantify and qualify the results.</p> <p><u>Public Comments</u> Livable Communities Coalition strongly support the City's proposed replacement ratios. However, the proposed language allowing reduced replacement ratios should be eliminated. (John Mauro, 11/10/04 testimony)</p> <p>The City should consider adopting the mitigation ratios found in Appendix 8-C, Volume 2, Wetlands of Washington State. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission discussed replacement ratios as found in DOE's Appendix 8C, noting not all wetlands identified in the</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>table occur in Redmond. The City's proposal includes both creation and enhancement. DOE's proposal also includes ratios for rehabilitation and a combination of creation and enhancement. The Commission agreed to use DOE's recommended replacement ratios, but that the table is customized to Redmond's experience. The Commission also recommended incorporating DOE's definitions for wetland enhancement and rehabilitation.</p>	
5. Wetland Alterations (Suzanne)	<p><u>PC Preliminary Direction</u> Should alterations to Category II wetlands be permitted?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends permitting alterations to Category II wetlands. The GMA mandates protection of wetland functions and values. The GMA does not prohibit development of wetlands provided their ecological functions and values are replaced.</p> <p><u>Public Comments</u> Type II wetland alterations should be prohibited given their ecological importance and relative difficulty in adequately replacing their functions and values. (John Mauro, 11/10/04 testimony)</p> <p>Need to ensure that when wetlands are altered, their drainage remains in the same sub-watershed, especially since some contribute to the base flow of neighboring streams. (Redmond Sharp, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission discussed whether impacts to Category II wetlands should be avoided, similar to impacts to Category I wetlands. They unanimously agreed to allow alteration of Category II wetlands and use mitigation sequencing as proposed in the Update.</p>	CLOSED
6. Wetland Mitigation Performance Standards	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommended using existing mitigation goals and performance standards. The performance standards were modified to address some of DOE's concerns.</p> <p><u>Public Comments</u> Scientific literature no longer supports a preference for wetland mitigation on site. Ecology recommends that the preference for mitigation be within the same drainage basin rather than on-site. (DOE, 11/10/04 letter)</p> <p>Ecology suggests a broader requirement that the mitigation project</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>design ensure adequate hydrology for the mitigation site. This could include precipitation or a stormwater facility outfall, not just a river, stream or groundwater connection. (DOE, 11/10/04 letter)</p> <p>Performance standards requiring 100% survival of trees and shrubs and 100% cover for understory and emergent species per year are very strict. Consider revising these standards. (DOE, 11/10/04 letter)</p> <p>Certain performance standards should be limited to wetland creation rather than wetland enhancement sites. Additionally, the standard referring to open water should be eliminated. (DOE, 11/10/04 letter)</p> <p><u>PC Discussion</u> The Commission concurs with the recommended edits to the wetland mitigation performance standards.</p>	
<b><u>Frequently Flooded Areas Issues:</u></b>		
1. FEMA Updates	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> FEMA made a Community Assistance Visit last year. They recommended a few minor changes to the regulations to be consistent with the state model floodplain ordinance and ensure FEMA flood insurance compliance. The proposed Update reflects FEMA's requests.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u></p>	CLOSED
2. Compensatory Storage (Policies NE-44 and NE-45) (Susan, Kate)	<p><u>PC Preliminary Direction</u> Explain compensatory storage.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Compensatory storage is currently defined in the definitions section of the RCDG (see p.2 of the Definitions document). It basically ensures that the floodplain capacity is maintained after land development activity as pre-development capacity. Downtown is exempt from the compensatory storage requirements because it is a designated Urban Center and engineering solutions are technically difficult.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> It was agreed policy NE-44 is appropriate as written and policy NE-45 should be slightly modified.</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
3. 100-year Floodplain (Suzanne)	<p><u>PC Preliminary Direction</u> How is the term “100-year floodplain” defined? Has it been updated?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Floodplain is defined in the definitions section of the RCDG. It contains the base flood, which has a 1% chance of occurring in any given year. This is consistent with FEMA requirements and DOE’s model floodplain ordinance.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> Use definitions as proposed which are consistent with FEMA.</p>	CLOSED
4. Policy NE-48 (Kim)	<p><u>PC Preliminary Direction</u> Why just limit impervious surfaces outside of Downtown?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Downtown is designated as an urban regional center. As such, the comprehensive plan and zoning code maximize development potential of this area and do not impose a maximum impervious surface limit.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission understands the rational and accepts the policy as proposed.</p>	CLOSED
5. Introductory Policies (Kate)	<p><u>PC Preliminary Direction</u> A suggestion was made to add a few introductory policies that address the overall Frequently Flooded Areas goals based on Best Available Science.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends two new policies: one to address no net impact to floodplain property owners and the other to address no net loss of the natural systems/processes of floodplains.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission had concurrence to incorporate the two new policies to help set the context and address BAS.</p>	CLOSED
<b><u>Critical Aquifer Recharge Areas:</u></b>		
1. Wellhead Protection Ordinance (Kate, Korby)	<p><u>PC Preliminary Direction</u> How do critical aquifer recharge area regulations relate to the wellhead protection ordinance? Does wellhead protection meet the GMA CARA requirement?</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p><u>Staff Recommendation &amp; Reasoning</u> The City's Wellhead Protection Ordinance is the city's regulatory tool for meeting the GMA requirement for protection of Critical Aquifer Recharge Areas. Wellhead Protection Zones 1, 2, and 3 are designated as critical aquifer recharge areas under the provisions of the GMA.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> PC discussed this and concur that wellhead protection meets the GMA Critical Aquifer Recharge Area requirement.</p>	
2. Policy NE-33 (Korby)	<p><u>PC Preliminary Direction</u> Consider adding a policy to protect CARAs from uses that have a high probability to contaminate our aquifer. This policy does not address new development.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Clarifying language could be added if need be. Current and proposed regulations address uses that pose a contamination risk to potable groundwater.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The policy was strengthened by eliminating the second sentence referring to existing property owners.</p>	CLOSED
3. Policy NE-34 (Kate)	<p><u>PC Preliminary Direction</u> "Retain" is a strong word.</p> <p><u>Staff Recommendation &amp; Reasoning</u> This is the City's current policy. Aquifer recharge areas are essential in maintaining groundwater supply.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission agreed this policy is appropriate as worded, especially since the only areas not committed to urban uses are the Sammamish Valley and the Bear Creek Valley.</p>	CLOSED
<b><u>Geologically Hazardous Areas:</u></b>		
1. Reevaluate Buffer/Setback Requirement (Kate, Marty)	<p><u>PC Preliminary Direction</u> Should buffers be required in all circumstances and what is the appropriate width?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff recommends a 50-foot buffer (current regs. state 25'-50') width. BAS materials on this topic are difficult to find. However, the Office of Community Development</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>Model Ordinance contains 50' buffers. Also, one needs to consider buffers at both the top of slope and toe of slope, each having different potential hazards.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission agreed on 50' buffers and recommends clarifying language on what can and can not occur in this buffer.</p>	
2. Review BMP's for Development on Steep Slopes	<p><u>PC Preliminary Direction</u></p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff added some BMPs in the proposed regulations. BMPs are also addressed in RCDG 20E.90, <i>Clearing, Grading, and Stormwater Management</i> and the City's <i>Clearing, Grading and Stormwater Management Technical Notebook – Issue No. 4</i>, effective 10/1/04.</p> <p><u>Public Comments</u> Developments have created stormwater problems and subsequent landslides. (Clint Peebles, 11/10/04 testimony)</p> <p><u>PC Discussion</u> The Commission concurred with the recommended BMPs.</p>	CLOSED
3. Landslide Hazard Classification System (Kate)	<p><u>PC Preliminary Direction</u> Categories that the City currently considers to be "low" or "moderate" landslide hazard area risks are being eliminated. Should this be a concern?"</p> <p><u>Staff Recommendation &amp; Reasoning</u> The proposed classification system parallels state law. The current "low" and "moderate" categories pose lower risk and are addressed through BMP's in other city codes. In addition, the proposed landslide hazard area is intended to parallel the GMA's definition of a landslide hazard area.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission understands and concurs.</p>	CLOSED
3. Policy NE-21 (Charlie, Kate)	<p><u>PC Preliminary Direction</u> The words "avoid and minimize" appear incongruous and perhaps the linkage should be either "and/or" or "or". The policy should also be qualified.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff concurs with this statement. It is suggested the words "and/or" be inserted into the policy and</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p>qualifying language added.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The modified language addresses the Commission's concerns.</p>	
4. Policy NE-22 (Korby, Kate, Kim, Marty)	<p><u>PC Preliminary Direction</u> Who pays and what is meant by "sound engineering principles"? What is meant by "high hazards"? Do these studies determine if a geologic hazard exists?</p> <p><u>Staff Recommendation &amp; Reasoning</u> The developer would pay for the study, as would be the case for all site specific studies whether they are related to critical areas, traffic impacts, or stormwater designs. "Sound engineering principles" refers to the industry standard for geotechnical engineers. The word "high" was agreed to be eliminated at the 10/27 study session.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The policy was revised to better address the Commission's concerns. It requires levels of studies based on associated risks.</p>	CLOSED
5. Policy NE-23 (Kate)	<p><u>PC Preliminary Direction</u> What is meant by "severe landslide hazard"? Also, concern that "prohibit" is strong language.</p> <p><u>Staff Recommendation &amp; Reasoning</u> The word "severe" can be eliminated. This was agreed upon at the 10/27 study session. The word "prohibit" is strong, considering there are some exceptions to the rule. "Severely limit" should be used instead, as was agreed to at the 10/27 study session.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The majority of the Commission approved of the proposed language change.</p>	CLOSED
6. Policy NE-28 (Korby, Kate)	<p><u>PC Preliminary Direction</u> Consider adding a new policy that addresses the need to protect property and rights of downhill/stream users. How does the requirement for buffers relate to the landslide map?</p> <p><u>Staff Recommendation &amp; Reasoning</u> A new policy could be added to reinforce the importance of protecting properties downhill. Buffers are a site specific tool and do not correspond to the general landslide map.</p> <p><u>Public Comments</u></p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<p><u>PC Discussion</u> The Commission agreed to modify the policy to address downstream/downhill property owners. The City has no duty to proactively address issues with single property owners, especially when there is no development activity. It was acknowledged that stormwater policies in the Utilities Element also address this issue.</p>	
7. Policy NE-29 (Korby, Kim)	<p><u>PC Preliminary Direction</u> Are there broader policies beyond construction? Perhaps expand scope to include protection of natural resources. How do we address the policy language of “operation” if the regulations are triggered during the land development process?</p> <p><u>Staff Recommendation &amp; Reasoning</u></p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission agreed to modify the policy to address natural resources protection.</p>	CLOSED
8. Policy NE-30 (Kim)	<p><u>PC Preliminary Direction</u> Who bears the burden of site specific studies?</p> <p><u>Staff Recommendation &amp; Reasoning</u> The developer would pay for the study, as would be the case for all site specific studies whether they are related to critical areas, traffic impacts, or stormwater designs.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Planning Commission wants to be clear that site specific, applicant-funded studies are required.</p>	CLOSED
9. Landslide Hazard Area “Exceptions”	<p><u>PC Preliminary Direction</u> Should Landslide Hazard Area Exceptions request be heard and decided by the Hearing Examiner or the City Council?</p> <p><u>Staff Recommendation &amp; Reasoning</u> The Technical Committee recommends Landslide Hazard Area Exceptions go before the Hearing Examiner rather than the City Council, the latter currently being the case. This provides for a more technical approach and allows the record to be set before the Hearing Examiner. An appeal of the Examiner’s decision would go to the Council.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission spent considerable time discussing this topic. Some Commissioners believe it is a technical issue and therefore should be heard before and decided by the Hearing</p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	Examiner. Others believe the Hearing Examiner is a less visible arena, people want a forum to be heard, and the City Council provides the most public process. After much discussion, the majority of the Commission (vote 4-2) believes the Hearing Examiner is the more appropriate forum for the Landslide Hazard Area Exception.	
<b><u>Other Policy Issues:</u></b>		
1. NE-113 (Charlie)	<p><u>PC Preliminary Direction</u> Ensure wording does not create a conflict with earlier Comprehensive Plan discussion on this topic. In other words, don't create a burden to existing businesses when residential developments are located adjacent to them. Ensure residential developments use noise abatement measures in home construction.</p> <p><u>Staff Recommendation &amp; Reasoning</u> Staff concurs with this comment. This policy can be clarified to address this point.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission concurs. This was also discussed in the Land Use Chapter update.</p>	CLOSED
2. NE-2 (Susan, Marty)	<p><u>PC Preliminary Direction</u> How do we balance environmental stewardship and long term fiscal responsibility? Does this include City operations? What are BMPs?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Fiscal responsibility is a goal and the policy could be clarified that the city strives toward long-term fiscal responsibility. Effective environmental stewardship and fiscal responsibility do not have to be mutually exclusive. This policy includes operations. BMPs are defined in the Development Guide. They are accepted conservation practices and management measures used to achieve a desired outcome.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission debated this policy for a while. The balance needs to be responsible. Some Commissioners believe the balance should tip towards the environment. Either way, the balance needs to be realistic.</p>	CLOSED
3. NE-3 (Susan)	<p><u>PC Preliminary Direction</u> How does this policy relate to NE-2?</p> <p><u>Staff Recommendation &amp; Reasoning</u> NE-2 addresses environmental stewardship and fiscal responsibility. NE-3 addresses quality services.</p> <p><u>Public Comments</u></p>	CLOSED



Issue	Discussion Notes	<u>Status</u>
	<u>PC Discussion</u>	
4. NE-10 and NE-20 (Susan, Marty)	<p><u>PC Preliminary Direction</u> Should these two policies be separate or combined?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Policy NE-10 addresses cooperation in protection and enhancement of the environment with other agencies. Policy NE-20 addresses working towards environmental regulations consistency. Staff recommends keeping the policies separate.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> The Commission briefly discussed the difference between the two policies and concurred they should remain separate.</p>	CLOSED
5. NE-15 (Kate)	<p><u>PC Preliminary Direction</u> What is the difference in meaning between conserve and protect?</p> <p><u>Staff Recommendation &amp; Reasoning</u> Protect is to defend or guard from loss. Conserve is to use or manage resources wisely.</p> <p><u>Public Comments</u></p> <p><u>PC Discussion</u> This policy was discussed and the Commission concurred with the language, but may want to revisit it at a later date.</p>	CLOSED

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